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Protection, reconciliation and access to rights for DPs in Ecuador

Requirements for the integration of displaced persons (DPs) from Colombia and Venezuela in Ecuador

Clara Schmitz-Pranghe \ BICC

Policy recommendations

\ Support transnational, cross-sector programmes in the northern border area

Structural marginalization of the Colombian–Ecuadorian border area offers a breeding ground for violent Colombian conflicts to spill over into Ecuadorian territory. With the help of cross-sector and cross-border programmes, actors in development cooperation (DC) should play a part in the long-term containment of the drugs economy and the resulting displacements. An integral and participative bottom-up approach should promote the development of government infrastructure, especially in justice, education, health and jobs.

\ Address the cleavages within the Colombian exiles

Building trust and establishing reconciliation are significant requirements for peace and (re)integration processes. They must be incorporated into programmes in Ecuador for a traumatized Colombian exile community, which includes victims as well as perpetrators. DC can support agencies that provide social work, public education institutions, and church-run institutions that enjoy confidence and authority in the region in particular.

\ Continue legal and psychological advisory services for the displaced and strengthen local ownership

DC must combine educational efforts in the municipalities and in the education and health sectors as well as the reduction of financial and bureaucratic hurdles. Measures to support both local ombudsperson offices and victims' and migrant associations also strengthen local ownership.

\ Promote start-up programmes

By providing advice on the formalization of micro-enterprises in start-up programmes, DC can enable the beneficiaries to advance to the formal sector. In this respect, the contributors should generally expand measures to cover all particularly vulnerable parts (Colombian, Ecuadorian and Venezuelan) of the population.

\ Support a regionally co-ordinated approach

The regional scale of forced displacement requires a regionally co-ordinated and long-term humanitarian and developmental approach that takes into account Colombian and Venezuelan displaced persons (DPs) equally. DC can contribute to this by providing expert advice to the responsible ministries and supporting regional initiatives such as the Cartagena Process.

Protection, reconciliation and access to rights for displaced persons in Ecuador

The continuing displacement within and from Colombia, along with the exodus of large parts of the Venezuelan population, represent an enormous humanitarian and political challenge for the region, and especially for Ecuador, which is one of the most important host countries for displaced persons (DPs). In light of the lack of prospects for a comprehensive and speedy return of DPs to their home countries, DC can and should use mid- and long-term programmes to contribute to preventing further displacement and to the integration process for DPs.¹

Forced displacement from Venezuela and Colombia and the context of hosting DPs in Ecuador

Since 2015, 1.6 million people have left Venezuela due to food shortages, collapsing health services, state repression, the violence of paramilitary groups (*colectivos*) and escalating criminality. The General Secretary of the Organization of American States recently described the situation there as “a humanitarian crisis on an unprecedented scale in the western hemisphere” (Almagro, 2017). Several thousand Venezuelans reach Ecuador every day. In the period from January to the end of May 2018 alone, the number reached 340,000 (UNHCR, 2018). According to the United Nations High Commissioner for Refugees (UNHCR), about half of those entered for reasons that qualify them as refugees. However, Ecuador views Venezuelans entering the country as migrant workers and economic migrants and thus does not grant them refugee protection. Of the Venezuelans in Ecuador, 45 per cent have no regular migration status, and 25 per cent only have temporary tourist visas. Due to a lack of documents or financial means, they are frequently not in a position to fulfil visa conditions. At approximately US \$250, the cost of the required UNASUR visa is about five times higher than the MERCOSUR visa which is available to Colombian migrants. This means that Venezuelans in Ecuador are dealing with particularly precarious residency and living conditions.

Refugee movements from Colombia to Ecuador are also continuing. In November 2016, the Colombian Government and FARC (Fuerzas Armadas Revolucionarias de Colombia) signed a peace treaty which also stipulated the demobilization of FARC. However, in the areas from which FARC has withdrawn, the guerrilla organization, ELN (Ejército de Liberación Nacional) and new criminal and violent actors are pushing in. Although some indicators of violence from Colombia—such as the number of anti-personnel mines and kidnappings or deaths in the Colombian army—suggest that these numbers are falling, the number of murders, especially of human rights activists and political activists rose by 45 per cent in 2017 compared to 2016 (INDEPAZ, 2018).

According to the UNHCR, several hundred Colombians still seek shelter in Ecuador every month. In 2017, applications for asylum in Ecuador by Colombian citizens increased by 23 per cent. Significant reasons for fleeing from Colombia is fighting between competing armed actors like the Colombian Army, FARC, ELN, paramilitary groups and criminal actors as well as direct attacks, protection money extortion and recruitment by armed groups. Of 47,416 recognized refugees in Ecuador in 2018, 70 per cent were of Colombian origin (UNHCR, 2018). In total, the number of Colombians living in Ecuador is estimated at more than 500,000, of whom around 300,000 are not in possession of regular residency status (Ministerio de Relaciones Exteriores y Movilidad Humana, 2018). The individual migration status only offers limited information on the causes and motivations for entry to Ecuador, as a large proportion of Colombians in Ecuador are still in the middle of the asylum process, have visas, or are in the country illegally. Especially since the introduction of the US dollar as the sole currency in Ecuador in 2000, work migration from Colombia and Venezuela has played a role.

Against the backdrop of continuing violence, a return to Colombia is currently not an option for the majority of refugees. Also, given the 7.7 million internally displaced persons at the time of writing, the Colombian

¹ \ This *Policy Brief* is based on the findings of research which was carried out in Ecuador in spring of 2018 as part of the BMZ-funded project “Protected rather than protracted – Strengthening refugees and peace”.

government is not giving much attention to the return and reintegration of international refugees; access to reparations in accordance with the Colombian Victim Law (*Ley de Víctimas y Restitución de Tierras*) of 2011 continues to be limited.

However, local integration in Ecuador also has its challenges: The majority of the Colombian and Venezuelan refugees have only very limited access to the jobs and housing markets or land, even though Ecuador has a relatively liberal refugee policy which was set down in the constitution adopted in 2008 and the law on human mobility that was passed in 2017. Ecuador embedded the principle of universal citizenship in its constitution and grants people the same rights as Ecuadorian citizens, irrespective of their migration status (*personas en condición de movilidad humana*). Refugees who exercise those rights, however, are frequently faced with bureaucratic hurdles (e.g. in connection with the extension of residence permits) and discrimination from employers, landlords and staff in local authorities and the education and health sectors. The pressure on the strained job market in Ecuador is also accompanied by the danger of creating competition between Ecuadorians and displaced persons (DPs).

Moreover, the escalation of violence in the Colombian provinces of Nariño and Putumayo has a direct impact on the security situation of Ecuador's northern border region. This is particularly the case for Colombians living there, who are at an increased risk of being displaced again or who face recruitment by armed groups such as the ELN and criminal groups.

In the winter and spring of 2018, kidnappings, murders of civilians and direct attacks by transnationally operating criminal actors on the Ecuadorian security forces and on infrastructure fuelled fears among the population. This led the Ecuadorian Government to take massive military actions and most recently to appoint the Esmeraldas task force (*Fuerza de Tarea Conjunta*), which is made up of 1,800 soldiers. Armed clashes between transnationally operating criminal groups and Ecuadorian security forces also led to displacements and evacuations on Ecuadorian soil.

Necessity for cross-sector and transnationally located measures in the northern border region

The changing and diversifying constellation of actors in the Colombian-Ecuadorian border area, where new criminal groups and the ELN are establishing themselves, is increasingly unpredictable for both the local population and for aid organizations.

The approach of the Colombian and Ecuadorian governments is primarily a military one and puts civilians at risk of getting caught in the middle and—under suspicion of collaborating with the military—falling victim to intimidation and threats by armed groups.



The specific threat by armed groups and the feeling of insecurity, which some Colombians are still being subjected to even in exile, impedes their efforts to integrate. In some cases, the (perceived) insecurity forms the basis for the decision of refugees to leave the border area and move further inland, where they once again have to try to settle down. Since the turn of the millennium, Plan Colombia² has triggered

2 \ Plan Colombia was a strategy initiated by the then-Colombian President Andrés Pastrana in 1999, which received huge financial support from the United States in particular, and aimed to end the civil war and reduce the area in which drugs were cultivated.

massive refugee movements from Colombia. In the context of these experiences, humanitarian and development actors—in dialogue with the Colombian and Ecuadorian governments—must play a more active role in ensuring that protecting inhabitants and preventing new or repeated displacements is given precedence in every action taken by the security forces.

At the same time, in supporting cross-sector, human rights-based programmes on the periphery, which has always been marginalized, DC can contribute to combatting the conflict's structural conditions—such as the lack of state infrastructure in the areas of justice, education, health and jobs—by developing institutions. Moreover, measures should not be limited to San Lorenzo (Esmeraldas)—the current focus of the military. Instead, they should also be implemented in the border areas of the Carchi und Sucumbíos provinces, which are equally important smuggling routes and spheres of influence of armed groups.

In the face of the high mobility in the border region and similar challenges that are relevant for development policies, a transnational approach is essential and must include the Nariño und Putumayo provinces on the Colombian side. In this context, DC should provide back-up for measures that improve access to rights and basic care in the areas of education, health, jobs and the law. These measures should support social work with young people to prevent their recruitment by criminal and guerrilla groups. A detailed conflict assessment is particularly important in this respect to guarantee conflict sensitivity in an environment marked by competing violent actors and illegal economies.

Building trust as a prerequisite for the integration process

Fundamental structural socio-economic inequality, the historically deep-rooted conflict between liberal and conservative political tendencies, and the continuing violent conflict—which has been ongoing for more than 50 years—have led to a division among the Colombian population, even in Ecuador.

Reconciliation and social cohesion are, however, essential prerequisites for the peace and reintegration process in Colombia and the integration process in Ecuador. The inadequate system of criminal prosecution in Colombia and Ecuador as well as the resulting deeply held mistrust of the Colombian authorities and among the displaced Colombians themselves poses a major hurdle for the self-organization of exiled Colombians in Ecuador. The fact that the Colombian exile community is far less organized compared to the Venezuelan community also has an impact on their political participation and representation, as well as their demand for rights. Support comes mainly from within the family or from neighbours. Access to Colombian law also continues to be denied for many refugees: Some Colombians in Ecuador, for instance, do not participate in elections in their country of origin as they shy away from going to the consulate.

Also, many Colombians refuse to register officially as “victims” in line with Colombia's victim law, as this forces them to name the perpetrators whom they continue to fear in exile. Following threats from unknown individuals, the branch of the international forum for victims (Foro Internacional de Víctimas) in Ecuador, an organization which represents the interests of victims of the Colombian conflict living abroad, have had to stop their work for the time being.

In this climate of mistrust and fear, the Catholic Church in particular enjoys a high degree of trust and is also present in inaccessible border areas. This means it is ideally placed to get involved in trust-building and reconciliation. With the help of local partners, DC can also support schools and social work to incorporate reconciliation within the Colombian exile community and peace education into teaching plans and programmes.

Access to rights

Access to housing employment, education and land is severely hampered despite the constitutional legal equality of immigrants, no matter what their status. On the one hand, there is a lack of knowledge within

local authorities and in the health and education system when it comes to the rights of refugees. On the other, discrimination against Colombians and Venezuelans is widespread in parts of Ecuadorian society.

Against this backdrop, DC and humanitarian actors should continue to offer legal advice to refugees through local and international aid organizations while establishing local ownership for advisory projects. Targeted training measures, for instance, could strengthen the ability of local ombudsperson offices (*defensorías públicas*) and social organizations (e.g. migrant and victim associations) to demand rights for refugees more actively.

Additionally, with the help of local partners who are already active in the area of legal advice, DC can become involved in anti-discrimination efforts. Measures could be taken to raise awareness at different levels: At the institutional level of local and provincial government; in the health and education systems; at employment agencies and companies. Aspects to be covered should include the rights of refugees, the causes of forced displacement and migration movements, the special need of refugees for protection, and the benefits of integrating refugees locally for the entire society. To this end, the use of integrated experts, for example in Ecuador's health, education and labour ministries as well as in unions and employer associations would be appropriate.

Besides discrimination and a lack of awareness, bureaucratic hurdles also play a role when it comes to integration into the employment market and the social systems. Having your protection status confirmed every three months and the associated travel costs and costs arising from being off work represents a significant financial burden for many Colombians and Venezuelans. Often, this is a reason for not extending their status. Moreover, as a result of the formal differences between the Ecuadorian ID and the refugee passport, the authorities did not consider themselves able to record refugees in their systems

for a long time. In turn, companies and landlords often disallowed the refugee passport as a legal document. The recent introduction of a new identification document for refugees, which is identical to that of an Ecuadorian citizen, is an important and appropriate process. However, it is slow to gain ground, above all because up to now, refugees can only apply for this document in three of Ecuador's towns (Quito, Guayaquil, Cuenca). Providing support to the Vice-Ministry for Human Mobility and the civil register in data entry and processing could contribute to these processes being accelerated and, using mobile registration, promote applications for identification documents in rural regions as well

Access to income

A large proportion of the Colombians and Venezuelans living in Ecuador work under precarious conditions in the informal economy. In towns, they work above all as street traders, in the country as day workers in agriculture or illegal gold mines. Mainly to better protect displaced persons (DPs) from police repression and conflicts with competing traders for public spaces, programmes that provide seed capital for starting up a business—which until now have primarily been aimed at Colombian DPs—should generally contain an advisory element about registering as a small business. These should feed into, for example, the UNHCR graduation programme carried out by HIAS (which centres around working with a personal mentor), or Caritas' seed capital programme. In this context, it makes sense not to restrict measures funded by DC to Colombian displaced, but to expand them to parts of the vulnerable Ecuadorian and Venezuelan populations particularly in need of protection. Supporting the local processing industry and its distribution in rural areas in collaboration with the municipalities—e.g. with the help of GIZ—presents an important addition in this regard.

The regional dimension of forced displacement from Venezuela

Forced displacement and migration from Colombia and Venezuela have a regional dimension. In particular, the current exodus from Venezuela presents the host countries in the region (above all Colombia, Ecuador, Peru, Chile, Argentina and Brazil) with challenges that can barely be handled unilaterally.

Political reactions to Venezuelan immigration in the countries of the region are, however, very different: While some countries grant asylum to Venezuelans based on the broad definition of a refugee contained in the Cartagena Declaration adopted in 1984 while other countries, such as Ecuador, do not. Neighbouring Peru to the south will continue to issue temporary residence permits for Venezuelans until mid-2019. However, as this is only a temporary measure, the long-term effects cannot be predicted, especially for Ecuador. Up to now, Ecuador has been a transit country on the way south for large parts of the Venezuelan migrant groups, but even now pressure on the Ecuadorian jobs market is rising. Xenophobia and competition, for example among street traders for public spaces, could increase.

It will only be possible to find appropriate answers to Venezuela's humanitarian and political crisis at a regional level and in dialogue between the Venezuelan government and host countries. DC should, therefore, encourage a comprehensive regional discussion and the development of a regionally coordinated approach. In these discussions, the question of granting asylum for Venezuelans should also be addressed, as should multilateral negotiations with the Venezuelan government that aim to ensure that it accepts responsibility for the causes of the exodus of its population. To this end, the use of integrated experts in the responsible ministries would make sense. Specifically, the preparation for a regional conference on the topic of forced migration could form the focus of such consultations, which take Colombian and Venezuelan displacement and processes of

people being forced to flee their homes into consideration. Such a process could tie in with a long-standing tradition of regional solution strategies in Latin America.

Mention can be made here, for example, of the Cartagena Process initiated in 1984, the subsequent declarations of San José (1994), Mexico (2004) and Brazil (2014), as well as the International Conference on Central American Refugees (CIREFCA) of 1989. Ecuador, which is in discussions with Colombia as part of the Andean Community (CAN) and at times has had a close political relationship with Venezuela, could take a leading role in designing the content of such a conference.³

As an appropriate reaction to the scale of the current (forced) migration from Venezuela and the particularly precarious situation of many Venezuelans abroad, DC should generally integrate the Venezuelan exile community into the design of new programmes in forced displacement and migration and support the socio-economic integration process of Venezuelans at an early stage. Humanitarian measures—such as the provision of initial housing, food and support for starting businesses—must be expanded to the displaced Venezuelans regardless of their immigration status.

3 \ The Ecuadorian Foreign Office is already taking the initiative and has issued invitations for a conference on displaced Venezuelans to take place in September 2018 in Quito.

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